



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,792	01/14/2002	Kevin S. Barker	RSW920010048US1	5596
48816	7590	06/27/2005	EXAMINER	
VAN LEEUWEN & VAN LEEUWEN P.O. BOX 90609 AUSTIN, TX 78709-0609			VU, TUAN A	
			ART UNIT	PAPER NUMBER

2193

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/047,792

Applicant(s)

BARKER ET AL.

Examiner

Tuan A. Vu

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20050228.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is responsive to the application filed 5/10/2005.

Claims 1-32 have been submitted for examination.

#### *Information Disclosure Statement*

2. The information disclosure statement filed 2/28/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Specifically, the non-patent literature submitted under **OTHER ART** and labeled AQ, AR, AS in the form 1449 is not submitted with a copy for each of the documents listed. The Examiner will mark them as 'NC' for not considering. If Applicants wish these documents to be considered, it is urged that a copy for each of these documents be submitted if not already so.

#### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 3, 9, 10, 12, 18, 19, 21, and 27-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims, 1, 3, 9, 10, 12, 18, 19, 21, and 27-32, respectively cite the limitation 'adapted to' (respectively, line 9, 2, 4, 15, 3, 5, 11, 2, 5, 9, 9, 15, 11, 11). This term does not specify the metes and bound of a feature of the invention. This is indefinite in that it does not define

Art Unit: 2193

whether an action is taken place or not. The interpretation used in the Office Action is that the feature, e.g. extension file, is to perform something.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 8-15, 17-24, 26-28, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patrizio et al., USPubN: 20030095145 ( hereinafter Patrizio), in view of Agnihotri et al., USPN: 6,311,321 (hereinafter Agnihotri).

**As per claim 1**, Patrizio discloses a method of converting management models to one or more console interfaces, said method comprising:

receiving a selection corresponding to one of the graphical user interface panels (e.g. Fig. 1, 2);

identifying one or more console algorithms corresponding to the selection (e.g. *UML ... diagram* - para 0042, pg. 3; *schema diagram* - para 0071, pg. 8 – Note: parsing the association relationship within a UML hierarchized diagram reads on algorithm to follow);

retrieving a generic management object from a management definition object (e.g. *MOF property sheet* – para 0041, pg. 3 – Note: an instance of MOF format being created to parse hierarchy of properties sheets reads on generic object); and

creating an extension file ( Fig. 9A, *modified in the MOF file, modified to add ...new property ... associated class* - para 0039, 0042-0044 – Note: enlisting area wherein deriving

Art Unit: 2193

additional sheets --with JAVA class extended functionalities to support a GUI panel-- takes place reads on extension file; and modifications added to a MOF reads on extension file) adapted to perform the generic management object on the selected graphical user interface panel.

But Patrizio does not explicitly disclose that the selected graphical user interface panel is a console interface; nor does Patrizio explicitly teach a selection corresponding to one of said console interfaces. However, the limitation of selection corresponding to a console interface is disclosed via Patrizio's selection of panel components to modify a certain GUI layout (e.g. para 008-0013; 0030), i.e. a selection has been presented in a console wherein a plurality of layout-related panels presented at the user interface screen has been received and selected.

Nor does Patrizio explicitly disclose a selection being a console selection. It is noted that Patrizio's window screen in which selection of various type of panels is presented to the user can be equated to the concept of a console selection being received; hence is either disclosed.

Otherwise, it would have been obvious as follows. As to the panels being presented in the selection, Patrizio's selection of cluster type and subdivision thereof in conjunction with the properties of the GUI layout to be changed suggests console selection in relation with layout characteristics. Related to a user's selection of components geared for some graphical console layout, Agnihotri discloses selection of console (e.g. col. 5, lines 1-18). Hence, it would have been obvious for one of ordinary skill in the art at the time the invention was made to enable the selection by Patrizio so as to be able to select console as taught by Agnihotri because each selection of a particular console would lead to a appropriate set of configuration files or extension program components supporting the graphical rendering of such console as suggested by Patrizio and improve the quality of the integration ( Agnihotri, col. 5, line 1-50).

**As per claim 2**, Patrizio discloses that the management definition object includes a common information model managed object format file (e.g. para 0038, 0040, pg. 3

**As per claim 3**, Patrizio does not disclose that the extension file includes a plug-in file adapted to interface with the selected console interface. However, Patrizio discloses distribution for deployment in a network (see BACKGROUND) and API to support the viewing of class components being parsed ( e.g. para 0063), hence the idea of distribution of media and script plug-in, or API in order to support deploying a media, i.e. deploying the MOF sheets as in an extension area/file, or install product received by the recipient user of distribution network is implicitly suggested. Agnihotri discloses plug-in DLL to install and interface with console product being distributed ( col. 5, lines 19-50). Hence, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide plug-in to support the interface as taught by Agnihotri to the software being delivered by Patrizio so that in the Patrizio's method the console specification packaged in the user's received product would enable the plug-in support as taught by Agnihotri as mentioned above.

**As per claim 4**, Patrizio discloses that the retrieving further includes:

identifying one or more object classes and one or more object associations that include the object classes (Fig. 9AB); selecting one of the object classes; selecting one of the associations that include the object class, wherein the association includes a simple association (Fig 4, 9ab, 11 – Note: selecting a row table plus parsing a diagram to derive propriety sheets with class and interrelations association thereof read on selecting object and associations including simple association);

identifying one or more target classes corresponding to the selected association (Note: the selecting of one class via which the association leads to another class reads on identifying one or more target classes);

locating one or more second associations corresponding to the identified target class; and determining a layout format based on the number of located second associations ( para 0051-0060; 0068-0070 – Note: all class component with *GUI* identifiers read on determining a layout).

**As per claim 5**, Patrizio does not explicitly disclose displaying the target class name in response to determining that there is one second association; and displaying the association role in response to determining that there are more than one second associations. But in view of the panel display for row table selection; and the underlying of Component class leading to more associations as shown in para 0068-0071, it would have been obvious for one of ordinary skill in the art at the time the invention was made to add the display of the target class in response to a second association to Patrizio's panel and row selecting method because this would enhance the visibility of object-oriented component items being enlisted under the user viewer utility; and this is a well-known in object-oriented development using model with hierarchized class enlistment or customized building/packaging for distribution/deployment as set forth in claim 3 above.

**As per claim 6**, Patrizio further discloses retrieving more user interface data from the management definition object; and generating one or more graphical user interfaces using the retrieved user interface data ( e.g. Fig. 4; para 0044-0047; 0053-0061).

**As per claim 8**, Patrizio further discloses creating a tree node displayable on a management console corresponding to the selected console interface (e.g. Fig. 1 – Note: each

Art Unit: 2193

cluster selected reads on a node of a tree being selected, the console limitation being the GUI interface as addressed in claim 1); creating a popup menu corresponding to the tree node ( e.g. Fig. 5-7), wherein the popup menu includes one or more menu selections; and associating a method to each of the menu selections ( e.g. Fig. 5-7).

**As per claim 9**, Patrizio further discloses that the generic management object includes a display panel that displays information regarding a program product, wherein the management definition object is adapted to manage the program product ( para 0044-0048 – Note: the main property sheet from one MOF being parsed and thus directing the manner by which GUI components are to be associated for use via the model schema read on management object managing the program product ).

**As per claim 10**, Patrizio discloses an information handling system comprising:

one or more processors; a memory accessible by the processors; a nonvolatile storage area accessible by the processors; and a conversion tool for converting generic management data to specific console interfaces (Fig. 1), the conversion tool including logic:

for receiving a selection window corresponding to one of the GUI panel interfaces (e.g. Fig. 1, 2);

for identifying one or more console algorithms corresponding to the panel interface selection (e.g. *UML ... diagram* - para 0042, pg. 3; *schema diagram* - para 0071, pg. 8);

for receiving a generic management object from a management definition object (*MOF property sheet* – para 0041, pg. 33 – Note: an instance of MOF format being created to parse hierarchy of properties sheets reads on generic object); and



Art Unit: 2193

for creating an extension file adapted to perform the generic management object on the selected console interface (Fig. 9A).

But Patrizio does not expressly disclose that the selected graphical user interface panel is selected console interface; nor does Patrizio teach selection console corresponding to console interfaces. These limitations have been addressed in claim 1; and are referred thereto for the corresponding rejection.

**As per claims 11-15**, these claims correspond to claims 2-6; hence are rejected with the corresponding rejections as set forth therein, respectively.

**As per claims 17-18**, these claims correspond to claims 8-9; hence are rejected with the corresponding rejections as set forth therein, respectively.

**As per claim 19**, this is the computer product means-plus-function claim reciting the same limitations corresponding to those of method claim 1; hence is rejected with the corresponding rejection as set forth therein.

**As per claims 20-24 and 26-27**, these product claims correspond to claims 2-6 and 8-9, respectively; hence are rejected with the corresponding rejections as set forth therein.

**As per claim 28**, this claim includes the limitations of claim 1 and claim 4; hence is rejected with the combined rejection as set forth in claim 1 and claim 4, correspondingly.

**As per claim 30**, this claim includes the limitations of claims 10, 13 and 14; hence is rejected with the combined rejection as set forth in those claims, correspondingly.

**As per claim 31**, this claim corresponds to claim 30 and includes the limitations of claims 10, 13 and 14; hence is rejected with the combined rejection as set forth in those claims, correspondingly.

**As per claim 32**, this claim includes the limitations of claims 19 and 26; hence is rejected with the combined rejection as set forth in those claims, correspondingly.

7. Claims 7, 16, 25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patrizio et al., USPubN: 20030095145 and Agnihotri et al., USPN: 6,311,321; as applied to claims 1, 10, 19 ( for claims 7, 16, 25), and further in view of Cramon et al., USPubN: 2002/0103660 ( hereinafter Cramon) .

**As per claim 7**, Patrizio further discloses retrieving user interface data from the management definition object ( Fig. 9A-B); but does not disclose converting the user interface data to one or more national languages; storing the converted user interface data in one or more national language files; selecting one of the national languages; retrieving one of the national language files corresponding to the selected national language; and generating one or more graphical user interfaces using the converted user interface data retrieved from the national language file.

The conversion from a model format language, such as metadata like MOF into a definition language enabling code implementation was a known concept in the art of modeling and code development at the time of the invention, e.g. working with MOF, UML and create XML, RTL, C++, Java class extension language format files prior to implementing a deliverable program per se. Patrizio has disclosed conversion of model format in one national language and retrieving such files for converting more interface data via the teachings of Fig. 9a-b, and para 0044-0051; however does not mention about national language format. The use of National Language Support (NLS) to enable persisted data format accommodation to different locale-related language format requirement was a known concept in the database and E-commerce

Art Unit: 2193

media distribution at the time the invention was made. Agnihotri, discloses support of language when a console is selected using a form of plug-in program to enable installation of media ( col. 5, lines 36-50) and Patrizio discloses a tool based on SQL invocations (Fig. 10-11) for instantiating a certain console format. Further, Cramon discloses distribution of E-commerce with plug-ins including user support files based on National Language Support documentation and structure ( para 0214, 0227, 0381). Hence, based on the above known concepts, it would have been obvious for one of ordinary skill in the art at the time the invention was made to add to the conversion scheme by Patrizio using SQL communications a documentation format using NLS as taught by Cramon because this NLS format files would enhance user usage of the delivered media for instantiating a console or installing a delivered package using plug-ins as suggested by Agnihotri, the support of language according to locale enabling a proper and direct accommodation to various language format requirement as mentioned above and taught by Cramon.

**As per claim 16**, this claim corresponds to claim 7, hence is rejected with the rationale as set forth therein

**As per claim 25**, this claim corresponds to claim 7, hence is rejected with the rationale as set forth therein.

**As per claim 29**, this claim includes the limitations of claims 1 and 7; hence is rejected with the combined rejection as set forth in claims 1 and 4, correspondingly.

#### ***Response to Arguments***

8. Applicant's arguments filed 5/10/2005 have been fully considered but they are not persuasive. Following are the Examiner's observations in regard thereto.

**Rejections under 35 USC § 103:**

(A) Applicants have submitted that the Office Action does not even recite the limitation as claimed (Appl. Rmrks, pg. 17, first para). The rejection has been directed to present more accurate language that points out which limitation is literally disclosed by Patrizio and which limitations Patrizio does not explicitly disclose. Even though the exact limitation(s) does or do not appear in order with which they appear in the claims, they are addressed thoroughly in the rejection such that if they are not disclosed there will be explanation as to why they would be considered disclosed or otherwise obvious. It is noted that the rejection is a 103 type of rejection and accordingly not all the limitations will be considered being anticipated by one reference. Besides, the rejection has made very clear, when addressing each limitation, that each of them as recited is either disclosed, not explicitly so by Patrizio, or obvious in view of combination of teachings; and has put forth appropriate clarification so as to reconcile what appears to be a same teaching but worded differently. Unless Applicants can point to a particular limitation being absent from any part of the rationale used in the rejection, it is considered that the rejection has established a prima facie case.

(B) Applicants have submitted that Patrizio's in view of Figures 1 and 2 does not teach or suggests a 'console selection' (Appl. Rmrks, pg. 17, bottom para). The rejection has made it clear what console selection amounts to and has cited Patrizio's screen selection as being equivalent thereto; further, the rejection has provided grounds as to why such limitation would have been obvious if not literally disclosed by Patrizio. The phrase 'console selection' as perceived using broad and reasonable interpretation amounts to selection made within a window screen interface with which the user can control, direct or communicate screen activities with

Art Unit: 2193

other activities of the computer applications. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

(C) Applicants have submitted that Patrizio's 'ServiceGuard' does not describe management nor does it teach console selection or extension with plug-in; and that the MOF file being internal to the above system teaches away from 'creating extension files'; and not teaching 'extension file adapted to perform .. selected console interface' (Appl. Rmrks, pg. 19). The phrase 'console selection' has been interpreted broadly as a screen in which the user can control activities of the applications and by which a selection has been presented for the user to choose and execute more application activities. Unless the claim further clarify what this limitation specifically signify, the rejection has made it clear that either (i) Patrizio discloses this limitation via an equivalent form of screen selection -- Note: a window screen reads on a console for controlling activities of a window application; or (ii) it would have been obvious in view of Agnihotri, in which case Applicant's argument cannot base solely on deficiencies of one reference, i.e. in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As for the 'teach away' argument, the Patrizio's system manage objects created based on instance of a MOF being modified and reintegrated with new added instances of Java classes as recited in the rejection. The newly modified file created as another instance from an original

MOF file by itself reads on extension file, whether or not this file is internal or imported from external sources. And, in conjunction with the cited parts in the rejection, this integration of changes to instance of MOF file as well as Java class being instantiated read on the limitation phrased as 'generic management object' on the 'selected console interface' because there would be no need to reintegrate the changes to a metadata file and/or add new Java code if it were not for supporting the effects caused by user's selection on the console. The claim does not make it clear as to what exactly the so-called 'extension file' amounts to in order to enforce a different interpretation than that used during the prosecution of the claim. The argument that an internal MOF is not an extension is not persuasive, because 'extension file' does not necessarily preclude the fact that an internal file can be extended; and the cited parts have provided this extended MOF file and extended Java class instances being created (Note: a object oriented class by Java entail extension of classes and interfaces, a well-known concept in programming language). Further, the claim recites an extension file 'adapted to'. This amounts to a lack of specificity as to require whether any actual action does take place as a consequence of such creation or no action would be ensuing the creation thereof. Because Applicant should be pointing out or discuss the references as applied against the claims, explaining how the claims avoid the references or distinguish from them and based on the broadness, or *inter alia*, the unspecificity of the claim language, the limitations as claimed (e.g. claim 1- Note: plug-in is not claimed therein) have been met by Patrizio.

(D) Applicants have submitted that Patrizio teaches a system that does not teach or suggest external programs using plug-in or extensions files and that Patrizio only teach property sheets and objects for only a specific software tool (Appl. Rmrks, pg. 20, top para). This argument falls

Art Unit: 2193

under the ambit of how *extension file* or how *console interface/console selection* is interpreted.

The rejection has made it clear what in Patrizio reads on console selection/interface; and section C above has addressed why there is no teaching away by Patrizio concerning extension file, notwithstanding the evident fact that the limitation of a plug-in file has yet to be addressed until claim 3. Further, the ‘generic management object’ limitation claimed as a group of words without further specificity does not amount to more than a tool to manage objects and lacks evident teachings therein in order for it to distinguish from what has been cited in Patrizio to point to this GUI interface tool.

(E) Applicants have submitted that Patrizio’s GUI properties sheet is entirely different from selection of a console interface and that Patrizio’s panels thus created are not in a manner based on console selection that allow management functions to be performed on a different console (Appl. Rmrks, pg. 20, bottom, pg. 21, top para). The ‘allow ... to be performed ... different console’ statement amounts to a mere allegation that appears to have been construed from outside of the language of the claim and will not help Applicant establish how the language of the claim can avoid the references or distinguish from them. Section C above has provided grounds as to why a management object limitation, a console selection in a console interface, as well as extension files have been disclosed without a hint of a ‘teach away’ connotation as alleged by the Applicants; based on broad and reasonable interpretation of one skill in the art. Besides, Applicants fail to point out why the combined teachings as set forth in the rejection would expose deficiencies but appear to contend with attacking one reference; and that is not persuasive as mentioned above.

Art Unit: 2193

(F) Applicants have submitted that Agnihotri's wizard application for installation of files does not teach or suggest 'algorithms' and 'generic management objects' used to create 'an extension file ... selected console interface' (Appl. Rmrks, pg. 21, bottom para). The rejection has used the teaching by Agnihotri to show obviousness against the console selection limitation in case this limitation is viewed as lacking in Patrizio. Since both Patrizio and Agnihotri are providing selection screen to enable control of some applications wherein it is suggestion on a host system layout characteristics being factor of a selection, the rejection has presented the reasons why a console selection to address this layout/platform display characteristic would have suggested the combination of Patrizio's layout characteristics selection with console selection by Agnihotri to accommodate, for example, to directory, language, version specificity attributed to different consoles. Applicants fail to point out why the combined teachings as set forth in the rejection would expose deficiencies but appear to contend with attacking one reference; and in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

(G) Applicants have submitted that the Office action does not address the claimed limitation exactly as it has been recited (Appl. Rmrks, pg. 22, middle para). This argument is referred to section A above. Applicants have also submitted that there is no suggestion of desirability from Patrizio in using property sheets to combine with Agnihotri (Appl. Rmrks, pg. 22, bottom para). In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the



Art Unit: 2193

teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one skill in the art would recognize characteristics in layout between consoles from different host system or platform versions or machine; and has based thereupon to provide the grounds as to combine Agnihotri to the panels and layout characteristics of Patrizio. And Applicant is required specifically point out why negative results or possible teaching away would incur. The argument that combining Patrizio's property sheets to Agnihotri's installation wizard (Appl. Rmrks, pg. 23, top para ) does not appear to be commensurate with the specific reasons set forth in the rejection because the argument only assert that the references cannot be used together; and seem to ignore the very specific reasons why the references have been joined to address a particular purpose as set forth in the rejection, as explained in section F above.

(H) Applicants have submitted that the Office action uses impermissible hindsight the claimed limitation as a 'guideposts' in effecting the action (Appl. Rmrks, pg. 23, middle para). The rationale as to combine has been set forth in the rejection and section F above. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Art Unit: 2193

Section F has it made clear that based on the implied teachings by Patrizio and the context in which the console by Agnihotri is used, on skill in the art would have found reasons to make the missing features obvious in that a rationale is effected to combine Agnihotri's console selection for specific benefits as laid out in the rejection using teaching by Agnihotri and inferred desirability based on Patrizio's teaching.

(I) Applicants have submitted that the Office action uses impermissible hindsight because Cranon lacks teachings about MOF file and does not even suggest teachings as seen in Patrizio, or Agnihotri (Appl. Rmrks, pg. 24, middle para). The rejection has made clear that Patrizio, Agnihotri, and Cramer has teachings supporting National Language Support and based on this common endeavor, the rationale with the combination as put forth has been made to meet the teachings that appears missing in Patrizio. Applicants appear to rely on the fact that the references put together do not match in analogous purposes or technological fields of application. It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the common endeavor about supporting a NLS has been set forth in the rejection.

For the above reasons, the claims will stand as rejected as set forth in the herein Office Action.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2193

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (272) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 ( for non-official correspondence – please consult Examiner before using) or 703-872-9306 ( for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Art Unit: 2193

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VAT  
June 17, 2005

  
ANIL KHATRI  
PRIMARY EXAMINER